

EXHIBIT 1

1 Q And after you filled out that form and mailed it in,
2 was that the very last contact you had with anyone
3 from the clinic up until you heard from Attorney
4 Alberto?
5 A Yes. I had sent -- there is two or three patients
6 that came into the clinic I was at at that the point
7 that were also patients of their's, so I sent
8 correspondence just in regards to those patients to
9 them. But I didn't talk to them specifically about
10 the accident or anything after that.
11 Q I'm sorry? You sent correspondence about these
12 other patients to whom?
13 A To Dr. Pietrantonio or Dr. Maggio or Dr. Capone.
14 Q When you say correspondence, do you mean a letter
15 from you describing your treatment of those people?
16 A Right, yes.
17 Q And had they asked you to answer certain questions
18 about that treatment? In other words,
19 Dr. Pietrantonio, had he asked you to answer certain
20 questions about your treatment of the other
21 patients?
22 A It was just a formality. The clinic that I was
23 working at in Boston, after I graduated I was
24 working for a doctor who did a lot of cataract

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1 surgery. So if someone were referred to our clinic
2 to have their eyes looked at for possible cataract
3 surgery, we would just send a note back saying the
4 results of the exam. That was basically it.
5 Q Okay. But what did that have to do with the people
6 that you saw at East Boston Neighborhood Health
7 Center?
8 A I didn't see these people. They saw them -- you
9 asked me if I had any contact with them after that.
10 That's the only contact that I had.
11 Q Okay. But that had nothing to do with the day of
12 the accident?
13 A Correct. Nothing to do with that.
14 Q Okay. What do you recall or writing down -- strike
15 that.
16 The form that they sent you, what do you recall
17 there being on that form, that blank form?
18 MR. URSO: Objection.
19 A I believe it was just a paragraph explaining the
20 reason for the form, saying to fill it out to the
21 best of my knowledge and send it back.
22 Q Were there questions on the form?
23 A I don't remember questions. I just remember that
24 paragraph and then a lined form to fill out.

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1 Q Did you write down a paragraph there?
2 A Yes, basically.
3 Q And what was the subject of that paragraph?
4 MR. ALBERTO: I think that--
5 MR. URSO: -- objection.
6 MR. ALBERTO: I'm not sure if I turned
7 that form over to you or put it on the
8 privilege log, because it was created in
9 anticipation of litigation. So maybe we can
10 take a break here so I can determine whether
11 that was turned over to you or I put it on the
12 log, if that's okay?
13 MR. FREDERICK: We'll take a break. I'm
14 99.9 percent sure that you didn't turn it over
15 to me.
16 (There was a short recess in the proceedings.)
17 BY MR. FREDERICK:
18 Q Mr. Price, you talked about a form that you filled
19 out. What's your best memory of what you wrote down
20 in that form?
21 A I believe I wrote that I performed the examination--
22 MR. URSO: -- objection to that question.
23 A -- I performed the exam, which involved checking her
24 vision and then doing a few other tests, checking

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1 her pupils, her eye muscle movement, and what we
2 call finger counting fields, which is a rough
3 peripheral test, and then I would have put the drops
4 in -- I would have done the dilation warning. They
5 want to know specifically what that meant, so I
6 explained that.
7 Q Is there a question on the form about that?
8 A Actually, Dr. Pietrantonio mentioned that I should
9 include that on the form because he was asked what
10 exactly that meant when I wrote dilation warning on
11 the thing. So I included that. And I put the drops
12 in and then the patient would have waited for about
13 15 or 20 minutes, I would've brought her back,
14 would've taken a look at her in the middle and
15 posterior part of her eyes and then I would've
16 brought in Dr. Abelson who would then have looked at
17 her.
18 Q When you filled out that form had you been sent a
19 copy of the treatment notes of Ms. Thibeau?
20 A No, I don't think so.
21 Q Have you -- did you fill out some notes that day as
22 to your treatment of Ms. Thibeau?
23 A On the form that I filled out?
24 Q No, NOT on the form you filled out that

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1 Dr. Pietrantonio sent you. But on the day of the
2 examination did you fill out – did you write any
3 note or fill out any forms on that particular day,
4 number one?
5 A Just her exam form.
6 Q And number two, did you see that exam form at any
7 time after the day of her exam?
8 A No, I didn't.
9 Q And had you, in fact, seen it at all since the day
10 of her exam up until today?
11 A I just saw it earlier today when they were asking me
12 questions before.
13 Q So Mr. Alberto?
14 A Yes, showed me the form.
15 Q Okay. And what questions did he ask you about that?
16 A Just wanted me to explain the procedure as I went
17 through the form, what each thing meant.
18 Q You didn't take any other notes of the examination,
19 did you, other than what's on that form?
20 A No.
21 Q And with regard to the form that you filled out for
22 Dr. Pietrantonio and sent back to him, did you keep
23 a copy of that?
24 A I don't think so. Not that I recall.

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1 Q Is there any reason why you didn't?
2 A I just didn't think to.
3 MR. ALBERTO: I'm sorry. Can you just
4 tell me what you're referring to?
5 MR. FREDERICK: This form that we were
6 talking about, I just wondered if he kept a
7 copy and he said no, and I asked him why he
8 didn't.
9 BY MR. FREDERICK
10 Q Okay. Now, getting back to your conversation with
11 Dr. Pietrantonio when he called you and said he
12 would be sending you a form, he specifically asked
13 you at that time whether you had given a dilation
14 warning?
15 A He told me I had written that in the form because I
16 believe he had seen the form afterwards. He said
17 that I had written that in the form, and he just
18 wanted to me write down what that meant because he
19 was asked what that meant.
20 Q Okay. And what do you recall writing down as far as
21 what that meant?
22 MR. URSO: Objection to form.
23 A I believe I just wrote that we tell each patient
24 that we'll put the drops in that can make their

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36

1 vision blurry and sensitive to light for a few
2 hours.
3 Q And is that your memory as to the total, all of the
4 warning that you give with regard to dilation?
5 MR. URSO: Objection.
6 A Yes.
7 Q Do you say anything about it causing problems with
8 coordination or anything like that?
9 MR. ALBERTO: Objection.
10 A Not typically, no.
11 MR. ALBERTO: All objections are reserved;
12 right?
13 MR. FREDERICK: Yeah, they are actually.
14 We didn't state it, but I will agree that all
15 objections in this deposition, except as to the
16 form, and motion to suspend.
17 BY MR. FREDERICK:
18 Q I'm going to show you a copy of the progress notes
19 from 9/26/02, and let's mark this as Exhibit number
20 2.
21 (Plaintiff's Exhibit 2, Progress Notes, was
22 marked for identification.)
23 BY MR. FREDERICK
24 Q Mr. Price, I'm showing you Exhibit number 2, which

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37

1 is entitled Eye Clinic Progress Note and it's dated
2 9/26/02 with the name Judith Thibeau on it.
3 A Yes.
4 Q Have you seen this document before?
5 A Yes, I filled out this document.
6 Q And did you see it today prior to starting the
7 deposition?
8 A Yes.
9 Q And before today when was the last time you had seen
10 it?
11 A When I filled it out.
12 Q On the date of the exam?
13 A Yes.
14 Q Okay. So when Dr. Pietrantonio asked you questions
15 about this form and when he asked you to fill out a
16 form to send in, he did not send you a copy of that
17 nor did he show you a copy of that; correct?
18 A No.
19 Q Is your handwriting on that form?
20 A Yes, it is.
21 Q And is most of the handwriting on that form yours?
22 A Yes. Everything but this section.
23 Q If you can just tell me what is not in your
24 handwriting on the form.

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